

OFFICIAL REPORT OF PROCEEDINGS

BEFORE THE

NATIONAL LABOR RELATIONS BOARD

REGION 3

In the Matter of:

Starbucks Corporation,

Employer,

and

Workers United,

Union.

Case Nos. 03-CA-285671

03-CA-290555, 03-CA-291157

03-CA-291196, 03-CA-291197

03-CA-291199, 03-CA-291202

03-CA-291377, 03-CA-291378

03-CA-291379, 03-CA-291381

03-CA-291386, 03-CA-291395

03-CA-291399, 03-CA-291408

03-CA-291412, 03-CA-291416

03-CA-291418, 03-CA-291423

03-CA-291431, 03-CA-291434

03-CA-291725, 03-CA-292284

03-CA-293362, 03-CA-293469

03-CA-293489, 03-CA-293528

03-CA-294336, 03-CA-293546

03-CA-294341, 03-CA-294303

03-CA-206200

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 3

<p>In the Matter of:</p> <p>STARBUCKS CORPORATION,</p> <p style="text-align: right;">EMPLOYER,</p> <p>and</p> <p>WORKERS UNITED,</p> <p style="text-align: right;">UNION.</p>	<p>Case Nos. 03-CA-285671</p> <p>03-CA-290555, 03-CA-291157</p> <p>03-CA-291196, 03-CA-291197</p> <p>03-CA-291199, 03-CA-291202</p> <p>03-CA-291377, 03-CA-291378</p> <p>03-CA-291379, 03-CA-291381</p> <p>03-CA-291386, 03-CA-291395</p> <p>03-CA-291399, 03-CA-291408</p> <p>03-CA-291412, 03-CA-291416</p> <p>03-CA-291418, 03-CA-291423</p> <p>03-CA-291431, 03-CA-291434</p> <p>03-CA-291725, 03-CA-292284</p> <p>03-CA-293362, 03-CA-293469</p> <p>03-CA-293489, 03-CA-293528</p> <p>03-CA-294336, 03-CA-293546</p> <p>03-CA-294341, 03-CA-294303</p> <p>03-CA-206200</p>
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The above-entitled matter came on for hearing, pursuant to notice, before **MICHAEL A. ROSAS**, Administrative Law Judge, at the 2 Niagara Square Wyoming Courtroom, 5th Floor, Buffalo, New York 14202, on **Wednesday, August 31, 2022, 9:01 a.m.**

A P P E A R A N C E S

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I N D E X

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3	WITNESS	DIRECT	CROSS	REDIRECT	RECROSS	VOIR DIRE
4	Jack Morton	2799	2817,2818			
5	Deanna Pusatier	2819	2858,2861			
6	Sonia Velazquez	2864	2874,2876			
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1 P R O C E E D I N G S

2 JUDGE ROSAS: Okay. On the record.

3 MR. BALSAM: Respondent calls Jack Morton.

4 JUDGE ROSAS: Raise your right hand.

5 Whereupon,

6 JACK MORTON

7 having been duly sworn, was called as a witness herein and was
8 examined and testified as follows:

9 JUDGE ROSAS: All right. Have a seat and state and spell
10 your name and provide us with an address.

11 THE WITNESS: Jack Morton, J-A-C-K M-O-R-T-O-N. Address
12 is 3850 Grand Way, St. Louis Park, Minnesota 55406 -- or 416.
13 Sorry.

14 DIRECT EXAMINATION

15 Q BY MR. BALSAM: Good morning.

16 A Good morning.

17 Q Where are you currently employed?

18 A I'm sorry?

19 Q Where are you currently employed?

20 A Starbucks.

21 Q How long have you been employed by Starbucks?

22 A About five years.

23 Q What was the first position you held with Starbucks?

24 A Assistant store manager.

25 Q Where did you hold that position?



1 A In St. Louis Park, Minnesota.

2 Q And how long did you hold the position of assistant store
3 manager in St. Louis Park?

4 A I was there for eight months.

5 Q What was the next position you held with Starbucks?

6 A Store manager.

7 Q Where were you a store manager?

8 A That was also in St. Louis Park, just at a different
9 location.

10 Q How long did -- did you hold the position of store manager
11 in St. Louis Park?

12 A I'm still there.

13 Q At any point in time in your -- during your employment,
14 did you have occasion to work in the Buffalo market?

15 A Yes.

16 Q When was that?

17 A That was in September of 2021.

18 Q How did you end up in the Buffalo market?

19 A I got a call from my regional director at the time, and he
20 told me about an opportunity to come help support a market.
21 And for -- like with my own personal growth and development
22 within the company, I thought it would be a good idea for me to
23 do so. About a week or two later, I -- I moved here for a few
24 months.

25 Q And when did you first move to the Buffalo market?



- 1 A It was late September. I believe the date was the 21st.
- 2 Q In 2021?
- 3 A Yes.
- 4 Q And what position did you hold in the Buffalo market?
- 5 A I was a support store manager.
- 6 Q What is a support store manager?
- 7 A Yeah. So I was at the Transit and French location, and I
- 8 supported the store manager that was there at the time. And I
- 9 supported the current partners in the store, teaching and
- 10 training where Starbucks is at now today.
- 11 Q And so you say you supported the store manager at Transit
- 12 and French?
- 13 A Yeah, I did that for about three weeks, and then that
- 14 store manager left the company. He resigned, and then I took
- 15 over the store.
- 16 Q Who was the store manager at Transit and French when you
- 17 first arrived in the Buffalo market?
- 18 A Did you say, who was it?
- 19 Q Who was it?
- 20 A Nick.
- 21 Q Nick -- do you know the last name?
- 22 A Tollar, I believe.
- 23 Q And when you say you supported the store manager, what
- 24 exactly did you do to support the store manager?
- 25 A Yeah, so we would go over, like, schedules with one

1 another. He mostly worked -- or like all of his hours, however
2 he spent in the lobby, so we never worked really side by side.
3 And I mostly worked with the partners that were on the floor.

4 Q When you arrived in the Buffalo market, what was your
5 observance of the Transit and French store?

6 A The first thing I noticed was it was extremely dirty. I
7 could tell that there was no cleaning that has been done in
8 months. And then just in terms of operations, it wasn't set to
9 where we are today within the company in terms of, like,
10 printing, like label routing and printing and things like that.
11 Like, it just didn't make sense for the design of the store.

12 Q When you say, it wasn't set to where we were today, what
13 do you mean by that?

14 A Yeah. For example, we have, like, our two espresso bars.
15 There's one on each side. And then behind, there's a cold bar
16 printer. Like, the cold bar printer, for example, wasn't being
17 utilized. It was just all coming out of the two hot bars. And
18 so it just would take longer to get customers their beverages
19 when it prints one sticker at a time. And then the person that
20 was on cold bar would look and grab one of the stickers and
21 make the drink and hand it off. It just wasn't set to where
22 we're at today within the company.

23 Q Anything else that you observed when you first arrived in
24 the Buffalo market?

25 A I mean, in terms of, like, dress code, that wasn't up to

1 standard within the store. Issues with time in attendance
2 weren't there. Those were, like, two of the bigger ones that I
3 noticed.

4 Q When you -- when you discussed dress code wasn't up to
5 standard, what do you mean by that?

6 A Yeah, we would have a lot of partners wearing things that
7 are just outside the dress code. So like basketball shorts,
8 for example, sweatpants to work, sweatshirts with hoods. Those
9 are all things that are not in the Starbucks dress code in the
10 look book. And that's what most partners wore on a day-to-day
11 basis.

12 Q And you also referenced time in attendance. What did you
13 observe about time in attendance that -- that concerned you?

14 A I would say for time in attendance, it was -- it seemed
15 sometimes like partners would come and go when they please.
16 They would show up part -- some partners would show up about 30
17 minutes late to the store, not call or text, like, their
18 supervisor. I mean, they supposed to call the store and the
19 shift supervisor on duty or me, the store manager, and I never
20 would get calls. It was just waiting for someone to show up.

21 Q You mentioned the store manager at the time was Nick --

22 A Yes.

23 Q -- Tollar, correct?

24 A Um-hum.

25 Q What was your assessment of his performance as a store

1 manager?

2 A We -- we got along in the beginning, and then I know he
3 was probably not the happiest with me because I wanted him to
4 work on the floor with his partners more. All of the work that
5 he did, like I said, was in the lobby. And so you can't see
6 anything that's going on behind the line. Like, I can -- I
7 could see it with the partners working shoulder to shoulder
8 with them, but beverages that were made incorrectly, customers
9 just not getting the right items that they ordered, those are
10 things that was happening in the store.

11 And so if Nick is in the lobby, he's not able to see the
12 mistakes that are happening, so he can't coach the team. He
13 can only look at what's going -- like, what it looks like. But
14 it's not how it should be running.

15 Q So you -- you testified that you were a store manager
16 before you arrived in the Buffalo market?

17 A Correct.

18 Q When you were store manager in your other market, did you
19 work the floor?

20 A Yeah, so I do about 32 hours a week on the floor, and then
21 I do 8 hours off the floor. And my eight hours off the floor
22 is spent making schedules, editing punches, payroll, and then
23 connecting with my supervisor team about, like, where we're at,
24 like, where my goals are at for my location.

25 Q And the -- the 32 hours that you work on the floor, what



1 are you -- what were you doing in your prior market before you
2 came to Buffalo during those --

3 A Yeah.

4 Q -- those -- that -- that time -- that time frame?

5 A Yeah. So my 32 hours on the floor, I'm on bar, I'm on
6 register, I'm on food, anything like that. But what I do is I
7 am observing my team, and I coach my team in the moment. Like
8 if I see something that's not to standard, I'm going to coach
9 them in the moment on the floor, and I can do that by working
10 on the floor.

11 Q And when you first arrived in the Buffalo market, how long
12 was -- how many minutes or how long during the week was Nick
13 working on the floor?

14 A All 40.

15 Q He was on the floor --

16 A Or I'm sorry. Off the floor all 40. He was not on the
17 floor.

18 Q What impact, if any, in your opinion, did that have on the
19 partners in the store?

20 A The partners would go to me for everything. So I was
21 like -- I was Nick's support, but the partners would come to me
22 like I was their store manager. If they wanted to change
23 something on the floor, as in like where we store something,
24 they wouldn't ask Nick; they would ask me 'cause I'm the one
25 working with them every day.

1 Q Why is it important, from your perspective, for a store
2 manager to be on the floor together with their partners?

3 A Yeah, you're -- that's when you get the most buy-in from
4 your team. Like if you want to change something or if you want
5 to, like, be the best leader for your team, that's what I look
6 at as the most important thing. Like my -- back at home, if I
7 wasn't on the floor, my team's not going to -- like, they
8 wouldn't want to come to work because they're going to be doing
9 everything. But then I'm the -- I'm the store manager, but I'm
10 not with them, so.

11 Q When you first arrived in the Buffalo market, did you
12 receive any complaints from your partners there that you were
13 on the floor?

14 A No, everyone was super thankful. I was welcomed from
15 pretty much everyone except for, like, maybe one or two people.
16 Everyone was super happy I was there. They were very gracious
17 I came and moved to Buffalo. They did not want me to leave
18 when my assignment was over. So yeah.

19 Q Prior to arriving in the Buffalo market, when you were
20 working as a store manager, did you wear a headset?

21 A Did I wear a headset?

22 Q Yeah.

23 A Prior to arriving to Buffalo -- like back in Minnesota,
24 did I wear a headset?

25 Q Um-hum.



1 A I did not, 'cause -- as an assistant manager, I did,
2 'cause I was at a drive-thru location. My location back home
3 is -- that I manage -- and that was a cafe store, so we don't
4 have head -- we don't have headsets. So I currently don't wear
5 one.

6 Q Okay. And when you arrived in the Buffalo market, did you
7 wear a headset?

8 A When I was on the floor, I did, yeah.

9 Q And what was the reason for wearing a headset?

10 A Yeah. So most of my days during peak, I would be on bar.
11 And so if I'm on, like, drive-thru bar, for example, I'm going
12 to be listening to what the customer is ordering at the drive-
13 thru speaker. As they order, I'm going to get that drink
14 started. And then when the next car comes, I'll get that drink
15 started. We always stay in a routine. We should be making two
16 drinks at a time, so by wearing a headset, I can hear what the
17 customers are ordering and get their drinks started. So
18 they're on with their day faster.

19 Q When you arrived in the Buffalo market, were there any
20 occasions where the Transit and French store was shut down?

21 A No.

22 Q Were there any occasions where the Transit and French
23 store closed early?

24 A Yeah, we would have, like some, like, all-store meetings,
25 but partners got paid for all of those, so no one lost hours by

1 doing that.

2 Q When you first arrived at Transit and French in September
3 of 2021, were additional hours offered to partners?

4 A For cleaning the store, we offered additional hours, but
5 other than that, we stuck to what we had.

6 Q Prior to your arriving in the Buffalo market, had you been
7 offering additional hours in that location for similar
8 purposes?

9 A Can you repeat that?

10 Q Sure. Prior to arriving in the Buffalo market in
11 September of 2021, were you -- did you offer additional hours
12 to the partners for similar reasons?

13 A Back in Minnesota, yeah. For cleaning, we do that.

14 Q Are you familiar with a partner by the name of Minwoo
15 Park?

16 A Yes.

17 Q How are you familiar with him?

18 A He was a shift supervisor at the Depew location or the
19 Transit and French.

20 Q What was your experience like with Mr. Park?

21 A He was the one person that was not welcoming toward me.
22 Everyone else at the store was except for him. So I mean, I
23 worked with him, but we never -- like, we worked together on
24 occasion -- or we would work together, but like, if I would
25 offer help, he did not appreciate my help.

1 Q What was your assessment of his performance as a shift
2 supervisor?

3 A I would say he was not the greatest supervisor.

4 Q Why do you say that?

5 A It was always -- the shift did not run very smoothly.
6 Partners were -- some of the partners at the location were just
7 kind of scared to even talk to him, to ask them -- to ask
8 Minwoo where they should be placed on the floor.

9 MS. STANLEY: Objection to characterization of how
10 partners felt.

11 JUDGE ROSAS: Sustained.

12 MS. STANLEY: I move to strike that portion of the answer,
13 Your Honor.

14 JUDGE ROSAS: Stricken.

15 Q BY MR. BALSAM: Going back to your assessment of Mr.
16 Park's performance, what was your assessment, your personal
17 assessment?

18 A Shifts -- I would say the shifts in the Depew location
19 were not run with customers at our core.

20 JUDGE ROSAS: Customers that are what?

21 THE WITNESS: I'm sorry?

22 JUDGE ROSAS: Customers that are what?

23 THE WITNESS: Our core of what we do.

24 Q BY MR. BALSAM: What do you mean by that?

25 A We should be running the shift with, like, our customers

1 are coming first in what we're doing. And I felt that there
2 were days where maybe it got the -- like, how he was personally
3 feeling got the best of him.

4 Q BY MR. BALSAM: Did you ever have occasion to discipline
5 Mr. Park during your time as a support manager?

6 A Yes.

7 Q When did you discipline Mr. Park?

8 A It was in November.

9 Q Do you recall the circumstances of the reasons for
10 disciplining Mr. Park?

11 A Yes.

12 Q What were they?

13 A Cursing on the floor. Yeah, cursing on the floor.

14 MR. BALSAM: Judge, I apologize in advance. I should have
15 handed this to the witness. Can I -- may I -- may I approach?

16 THE WITNESS: Thank you.

17 Q BY MR. BALSAM: You've been handed what's been marked
18 as -- marked and -- and introduced into evidence as GC Exhibit
19 125. Do you recognize this document?

20 A Yes.

21 Q All right. When -- is this the discipline that -- the
22 corrective action form that you issued to Mr. Park in
23 connection with the discipline that we just spoke about?

24 A Yes.

25 Q What happened that resulted in Mr. Park being termina --

1 disciplined here?

2 A Yeah, so the November 9th instance --

3 JUDGE ROSAS: Do you want him to read from the document as
4 he's doing now, or do you want him to just give you his
5 recollection?

6 MR. BALSAM: Your recollection.

7 THE WITNESS: Yeah.

8 JUDGE ROSAS: Turn over the document.

9 A The November 9th was -- Minwoo was on the floor. I
10 believe at the time, he was on -- doing food. It was during
11 peak. He was frustrated with how the day was running, and he
12 left the -- left the floor, grabbed dishes, went to the back,
13 kicked open the back of house door. He said, eff this, and
14 threw the dishes into the sink.

15 And it was pretty loud on the sales floor, so what I did
16 is I went to the back, talked to Minwoo, let him know that he
17 can either go home or he can take some time off of the floor
18 and recompose himself and then come back out because we cannot
19 be swearing with kids and families in our store.

20 Q So I noticed the incident in question occurred on November
21 9th, 2021. Do you see that date?

22 A Yes.

23 Q Why is it that Mr. Park wasn't issued this discipline
24 until December 3rd, 2021?

25 A So every instance when we had to write somebody up, we

1 would have to call it in to the partner contact center. So
2 everything that was called in would be escalated up. And then
3 I would reach out to our partner resource manager at the
4 time -- her name is Emily -- and let her know that I filled out
5 a form or that I submitted a form, and we would just wait to
6 get the documents back to get the corrective action.

7 Q At the time that you issued Mr. Park this disciplinary
8 action, were you aware that he was an active supporter of a
9 union?

10 A No.

11 Q Prior to coming to the Buffalo market, would you have
12 disciplined a partner for engaging in similar behavior?

13 A Yeah, back in Minnesota, we like, have a rule if you're
14 swearing on the floor that you just don't have a job anymore.
15 So you're -- automatically you're terminated.

16 Q So this was more lenient than --

17 A Correct.

18 Q -- than you would have done back in Minnesota?

19 A Yeah.

20 Q Do you know a partner by the name of Angel Krempa?

21 A Yes.

22 Q How do know Angel Krempa?

23 A Angel was a shift supervisor as well at the location.

24 Q What is your assessment of Angel's performance as a shift
25 supervisor?

1 A Yeah. She -- she did a decent job. She was very open to
2 learning and was open to, like, my help with training. And she
3 was super welcoming. She was probably the person I worked with
4 the most when I got to that location, and we had a good working
5 relationship.

6 Q Have you ever had occasion to discipline Angel?

7 A Yes.

8 Q Do you recall the circumstances of the reasons for
9 disciplining Angel?

10 A Yes. She was all -- there was a instance where she cursed
11 on the floor as well, and then some time in attendance issues
12 as well.

13 Q Did you personally observe Angel cursing on the floor?

14 A Yes.

15 Q And did you personally observe her violating the dress
16 code?

17 A Yes.

18 Q And back in Minnesota, would cursing on the floor be
19 justification for immediate termination?

20 A Correct.

21 MS. STANLEY: Objection. Asked and answered.

22 JUDGE ROSAS: Sustained.

23 Q BY MR. BALSAM: And in this -- in this particular
24 situation, did you terminate Ms. Krempa for cursing on the
25 floor?

1 A No. She's not terminated for that.

2 Q So there's an allegation in this case that Angel and
3 Minwoo were given randomized shifts in response to union
4 activities. Did this happen?

5 MS. STANLEY: Objection. Leading him.

6 MR. BALSAM: Your Honor, I know we went through this
7 yesterday, but the complaint is actually in evidence, and so I
8 am allowed to ask the -- the witness a question about a
9 document in evidence.

10 JUDGE ROSAS: Try it -- try it a different way.

11 Q BY MR. BALSAM: Did you ever have a conversation with
12 Angel and/or Minyoo -- Minwoo about their schedules?

13 A Yes.

14 Q What was the substance of that conversation?

15 A So when I got to that location, Minwoo primarily worked in
16 the morning. He would do opens or shifts before around like
17 probably 7:00. And then Angel was primarily -- or not
18 primarily, she was always closing.

19 When I took over the location, they both asked me if they
20 could work other shifts. So Angel, for example, wanted to work
21 more in the morning, and she also was open to closing. She
22 just wanted to get more practice for opening shifts in the
23 morning.

24 So there were -- we scheduled like three shifts together
25 that we would open, and then we would go through the plan for

1 the day of how we would open that location, where to place
2 people on the floor. We always put, like, our aces in our
3 places on the floor. So we'd go over what would fit best and
4 then just how to run the morning shift.

5 And then Minwoo wanted to work some shifts in the evening.
6 So we would schedule closes together as well so we could get
7 those shifts.

8 Q Did Angel and/or Minwoo ever complain about the shifts
9 that they were given?

10 A No.

11 Q Did you ever have any conversations with the partners in
12 your store and tell them that they would be given extra
13 benefits if they did not unionize?

14 A No.

15 Q In October of 2021, there was a partner who was removed
16 from Transit and French. Do you recall that occurring?

17 A Yes.

18 Q Do you know who that was?

19 A Her name is Jennifer (phonetic throughout).

20 Q Do you know --

21 A Last name, I don't recall.

22 Q Do you know the circumstances of her departure from the
23 store?

24 A Yes. So Jennifer referred to a partner -- their name is
25 Charlie (phonetic throughout). Charlie goes by they/them

1 pronouns. And Jennifer would not call this partner by the
2 pronoun that they wanted to be called. And so I got a call
3 from Charlie's mom, letting me know Charlie was not going to be
4 coming to work for her (sic) shift when Jennifer was the
5 keyholder.

6 Q What did you do once you found out about -- once you --
7 once you had that conversation?

8 A Yeah, once I had that conversation, I called ethics and
9 compliance and opened a case for that. And I know that from
10 talking to Charlie's mom, Charlie's mom did the same thing.

11 Q Do you know what happened after you called in to ethics
12 and compliance?

13 A Yeah, Jennifer was put on an immediate leave, and then
14 maybe a week later, she was let go from the company.

15 Q Is the process that you followed in connection with the
16 complaint that you received concerning Jennifer consistent with
17 the way you would have handled it back in Minneapolis?

18 A Yeah, I would have done the same.

19 Q From an operational standpoint -- standpoint, did you do
20 anything different in the way you managed the Transit and
21 French store than you did pri -- in the prior market?

22 A No.

23 MR. BALSAM: Nothing further, Judge.

24 JUDGE ROSAS: Cross?

25 MS. STANLEY: Hi, Mr. Morton. I just --

1 THE WITNESS: Hi.

2 MS. STANLEY: -- have a few questions for you this
3 morning.

4 THE WITNESS: Sure.

5 **CROSS-EXAMINATION**

6 Q BY MS. STANLEY: You talked about when you were asked --
7 when you were spoken to about coming to Buffalo to support the
8 market, you talked about your professional development. Why
9 did you think coming to Buffalo to support the market would
10 impact your professional development?

11 A Yeah, I looked at it like a growing opportunity for me.
12 How can I bring my leadership that I've learned in Minnesota to
13 Buffalo, and how can I apply what I learned in Buffalo to bring
14 it back to Minnesota?

15 Q When you worked in Buffalo, how much time did you spend on
16 the floor?

17 A I would say I was at the location probably 50 hours a
18 week, and about 40 of those hours, I would work on the floor.

19 Q Why didn't you terminate or separate Minwoo Park for
20 swearing on the floor on November 9th?

21 A Why didn't I separate him?

22 Q Yeah.

23 A I called in to the partner contact center. So I was just
24 doing the direction of what I was told to call it in and wait
25 to get the document.



1 Q Is that the same process you would have followed in
2 Minnesota?

3 A In Minnesota, I would have called my district manager and
4 discussed it then.

5 Q And why didn't you separate Angel Krempa when she cursed
6 on the floor?

7 A I also called that in to the partner contact center.

8 Q Did you call in every discipline in Buffalo to the partner
9 contact center?

10 A Yeah.

11 Q Do you do that in Minnesota?

12 A No. Unless I need -- sorry. Unless I need more guidance,
13 I will call it in. But if I know the answer myself, I'll do
14 it.

15 MS. STANLEY: I have nothing further, Your Honor.

16 **CROSS-EXAMINATION**

17 Q BY MR. DOLCE: Hi, Mr. Morton. Mike Dulce for the Union.
18 Just one question. You -- you referred to an Emily that you
19 contacted at the partner contact center. Is that Emily Filc?

20 A That's correct.

21 MR. DOLCE: Nothing further.

22 MR. BALSAM: Nothing, Judge.

23 JUDGE ROSAS: Your testimony is concluded. Thank you for
24 coming today. Do not discuss your testimony with anyone until
25 you are advised by counsel that the record in the case is

1 closed. All right?

2 THE WITNESS: All right.

3 JUDGE ROSAS: Have a good day.

4 THE WITNESS: Thank you. You too.

5 JUDGE ROSAS: Off the record.

6 (Off the record at 9:27 a.m.)

7 JUDGE ROSAS: Next witness.

8 MS. POLITO: Your Honor, Respondent calls Ms. Pusatier to
9 the stand.

10 Deanna --

11 JUDGE ROSAS: Raise your right hand.

12 Whereupon,

13 **DEANNA PUSATIER**

14 having been duly sworn, was called as a witness herein and was
15 examined and testified as follows:

16 JUDGE ROSAS: All right. Have a seat. State and spell
17 your name and provide us with an address.

18 MS. POLITO: You don't have to sit too close to the
19 microphone.

20 THE WITNESS: Deanna Pusatier. D-E-A-N-N-A
21 P-U-S-A-T-I-E-R.

22 JUDGE ROSAS: Address?

23 THE WITNESS: It's [REDACTED]

24 [REDACTED]

25 **DIRECT EXAMINATION**



1 Q BY MS. POLITO: Is that your home address?

2 MS. POLITO: Judge, I'm just going to ask that that be
3 stricken from the record in case this became --

4 JUDGE ROSAS: Stricken.

5 MS. POLITO: -- becomes public.

6 JUDGE ROSAS: Where -- where do you work?

7 THE WITNESS: I work in Chicago.

8 JUDGE ROSAS: Address?

9 THE WITNESS: I actually don't know the address.
10 Apologies.

11 JUDGE ROSAS: Give us --

12 Q BY MS. POLITO: What -- what -- what's your Boston
13 Starbucks address?

14 A That -- it would just be my home address. The way that it
15 works for my role is that it would -- it would be my home
16 address is the --

17 JUDGE ROSAS: I'll take an address by counsel.

18 MS. POLITO: Okay.

19 JUDGE ROSAS: Well, or --

20 MS. POLITO: We'll submit --

21 JUDGE ROSAS: -- she can -- you would accept service for
22 her if --

23 MS. POLITO: That's correct, Judge.

24 JUDGE ROSAS: -- if a subpoena needs to be served on her.
25 Okay.

1 MS. POLITO: That's correct.

2 Q BY MS. POLITO: Good morning. Do you mind if I call you
3 Deanna?

4 A Not a problem.

5 Q Thank you. Deanna, did you ever hold the role of regional
6 director of operations for Starbucks?

7 A Yes.

8 Q And how long did you hold that role?

9 A Approximately three and a half years.

10 Q How long have you been employed by Starbucks?

11 A For 23 years.

12 Q What position did you start with at Starbucks?

13 A Barista.

14 Q What was the position you held prior to being regional
15 director of operations?

16 A I was a -- I was a program manager based out of Seattle.

17 Q And can you tell the Court what your job duties were as
18 regional director of operations?

19 A Yes, I led a team of district managers, and what we -- I
20 led a team of district managers to drive operational excellence
21 and partner and customer experience over the course of about 70
22 to 100 stores, depending on my span at the time.

23 Q And where were you regional director of operations? What
24 market?

25 A I was originally in Boston and then in Buffalo.

1 Q And how long were you regional director of operations in
2 Boston?

3 A About a little over three years.

4 Q And how many stores in Boston?

5 A That's where I had between 70 and 100.

6 Q And how many district managers?

7 A Between seven and nine.

8 Q When did you become regional director of operations for
9 Buffalo?

10 A In July -- I was originally asked in July of 2021.

11 Q And when did your position transition to Buffalo?

12 A It was -- I was active in the system in August. I don't
13 know the exact date. Pretty quickly after July 28th. And then
14 I first arrived in September.

15 Q What other positions have you held for Starbucks?

16 A I've held quite a few roles. So -- well, again, started
17 as a barista, shift supervisor, assistant store manager, senior
18 training specialist, a district manager, a operations
19 consultation manager senior, a manager of ops consultation
20 manager, and a program manager, then an RD.

21 Q Can you describe generally the hierarchy of management
22 within each region?

23 A Yeah, so there's a -- there's a regional director.
24 There's a team of district managers, a store manager, some
25 assistant managers, not one per store, but spattered

1 throughout, shift supervisors, and baristas.

2 Q You were a regional director of operations in the Boston
3 market during the start of the pandemic; is that right?

4 A That is correct.

5 Q Can you tell us what your experience was like in Boston as
6 a result of the pandemic? How did that impact stores and
7 operations?

8 A It impacted things pretty significantly. So before the
9 pandemic, I mean, all stores were open full operating hours.
10 And I mean, you know, I don't want to use the -- the word
11 "normal", but things changed pretty significantly. And so
12 after the pandemic began, we started to experience staffing
13 issues, obviously making sure that our -- our partners and
14 customers were safe caused us to modify store operations at
15 various points. The business became a little bit -- much more
16 flexible than it had previous, where at times we might need to
17 modify hours of operations or operation levels, meaning go to
18 drive-thru only or cafe only or sometimes shut stores down
19 altogether. And those things were just pretty uncommon prior
20 to the -- the pandemic.

21 Q And when you say that there were times that you would have
22 to potentially shut down a cafe or mobile order, is that
23 sometimes referred to as turning off a channel?

24 A Yes, that's correct.

25 Q And what are the typical channels for stores, if any?



1 A So in a cafe store, it would be cafe and mobile order.
2 And then in a drive-thru, you would have those two channels
3 with the addition of a drive-thru window.

4 Q Shortly after the pandemic started in March of 2020, did
5 you have to close stores?

6 A Yes.

7 Q And whose decision was it -- was it to close stores?

8 A So initially we had a company-wide direction to shut
9 stores for a period of time, but then post-that, as we began
10 the reopening process, I made the decision in partnership with
11 my district managers to close stores for various periods of
12 time.

13 Q Do you know when the direction was to start reopening
14 stores after March of 2020?

15 A I believe it was in May.

16 Q And what factors did you consider when you determined that
17 certain stores would remain closed for a period of time?

18 A There were a variety. So staffing plays a huge role in
19 it, and so if we didn't have enough staff to meet the business
20 needs. And then in Boston in particular, initially we took an
21 approach where we opened almost all of the stores over -- over
22 the period of a few weeks. But once we did that, we realized
23 how much traffic patterns had changed. And so within that, we
24 ended up actually closing some stores as well for a period of
25 time.

1 So in Boston, we had -- we basically had each -- what we
2 call mini market covered. And as long as we had within a
3 customer's mini market, each store open at least, then we
4 would -- we would kind of -- we've pared down to that model.
5 So we had significant store closures, particularly in the city.
6 And then over time, as people started to come back into the
7 city and staffing levels changed, we would then reopen one by
8 one.

9 Q What about with respect to store hours? How are store
10 hours for a particular store determined?

11 A It's -- well, so prior to the pandemic, it was simply
12 based on business needs. And so we would look at traffic
13 patterns and sales and make a determination around what the
14 right hours of operations were. After the pandemic began,
15 it -- that -- that whole process changed pretty dramatically.

16 And so it would be largely based on staffing. And if we
17 didn't have the staffing to keep the store open and adequately
18 serve the customers and run operations, then we would simply
19 limit hours of operations.

20 Q And who would make the decision when operational hours
21 needed to be limited?

22 A Myself and the district manager.

23 Q In March of 2020 when the pandemic hit, were partners
24 required to return to work when the stores reopened?

25 A We gave them a series of options at the time, and those

1 options were they could take -- they -- they could take a
2 sev -- or they could leave if they'd like, and we helped make
3 that an easy transition for them. And -- or they could come
4 back with additional pay initially, or we paid them to stay
5 home.

6 Q And if they chose to leave, were they given any type of
7 severance?

8 A They were, yes.

9 Q And what was that?

10 MS. STANLEY: Objection. Relevance.

11 MS. POLITO: It refers to Starbucks benefits, Judge, in
12 general.

13 JUDGE ROSAS: Overruled.

14 A I -- I don't recall the exact amount of hours, but they
15 were in fact given a severance.

16 Q And then you said that they were paid to stay home. What
17 was that?

18 A I don't recall the exact specifics.

19 Q Do you know how long they were paid to stay home?

20 A I -- I don't.

21 Q Were there times when you decided to close cafes or turn
22 off a channel at particular stores in the Boston market?

23 A Yes, yes.

24 Q And what drove those decisions?

25 A As I mentioned, it was -- it was staffing in -- combined

1 with traffic patterns of the customers.

2 Q Did your market in Boston have any mall kiosks?

3 A Yes.

4 Q How many?

5 A Two.

6 Q Did those stores stay open after the pandemic in March of
7 2020?

8 A We closed one of them. The other one, we were assessing.
9 So we ended up closing one of the two.

10 Q And when did that one close?

11 A I don't recall the exact date.

12 Q And do you know why it was closed?

13 A Yes. So as we look at the way the malls across the whole
14 portfolio were performing and -- and honestly, this
15 conversation started prior to the pandemic. And so as we all
16 know, malls have been kind of a dying business. And then when
17 there was fear of being inside or it was -- we had capacity
18 issues, all the sudden this conversation accelerated quite a
19 bit.

20 And so there began a conversation around who should be
21 operating these store kiosks. Should it be us or a licensee?
22 But we really just started to look at, was it the right place
23 for us to be in -- in malls? And so you know, over the course
24 of a period of time, we've closed many across the U.S. or
25 converted them into licensees. But we knew that it wasn't a



1 long term -- it was no longer a viable business model for us.

2 Q What do you mean when you say that at times you have
3 converted them into a licensee?

4 A So the way our license store model works is that they are
5 owned and operated by a licensee, and the licensee pays
6 royalties to Starbucks, but it is not owned and operated by us.

7 Q Now, you told us earlier that in July of 2021, you were
8 asked to take over the Buffalo market. Had you ever been to
9 the Buffalo market before then?

10 A I -- I had been to Buffalo once during my RD immersion,
11 but I had been to Area 156 in Saratoga Springs a few weeks
12 prior.

13 Q Tell us first about when you were in Buffalo for your RD
14 immersion.

15 A I was here pretty quickly, and it was -- it was several
16 years back. So you know, it was -- it was under different
17 leadership at the time. It was pre-pandemic. There were a lot
18 of factors. So I -- I was in here pretty quickly, in and out.

19 Q Can you tell us what RD immersion is?

20 A Yes, it's kind of like your -- your -- your training. So
21 if you're going into a new role, depending on the role, there
22 might be an immersion plan versus a training plan, but it's
23 essentially very similar. So as I was onboarding into the
24 regional director role, that was part of -- part of my, you
25 know, just my learning the new role and learning -- learning

1 the -- the region.

2 Q And so immersion plan means that you're placed in that
3 location for a period of time?

4 A No, it's more I -- I knew that I was going to be in
5 Boston, but it's kind of like training. It's --

6 Q How long did that training last?

7 A It was a couple of months long, and I spent time in all
8 parts of the northeast region, in most parts, I should say.

9 Q And then you told us that you were in Region 156. What is
10 Region 156?

11 A So it's upstate in western New York. And yes, I had been
12 in Saratoga Springs a few weeks prior to July 28th.

13 Q What was the reason that you were in Saratoga Springs?

14 A We had a regional meeting and -- where all of the regional
15 directors and partners, resources managers, and other folks
16 come together with some degree of frequency. And this
17 particular meeting was located in Saratoga Springs.

18 Q Is Saratoga Springs, was that part of Region 156?

19 A Yes.

20 Q And what did you observe about the Saratoga Springs region
21 when you got there?

22 MS. STANLEY: Objection. Relevance.

23 MS. POLITO: It ties into her assignment to Buffalo,
24 Judge.

25 JUDGE ROSAS: Okay. Overruled.

1 A So it -- the -- the conditions were pretty poor. And
2 myself and several other regional directors were -- we -- we
3 were pretty concerned about it at the time, particularly the
4 district manager leadership that we were seeing.

5 So what we saw was dirty stores; lack of customer service;
6 partners, you know, unhappy. The cleanliness issues were --
7 were pervasive. And it -- they were just poor store
8 conditions.

9 Q Was the Buffalo market part of Region 156 at that time?

10 A Yes.

11 Q And who asked you to take on regional director of
12 operations in the Buffalo market?

13 A My regional vice president, Allyson Peck.

14 Q And you said that the --

15 MS. POLITO: Or strike that.

16 Q BY MS. POLITO: When did the assignment actually commence?

17 A So I -- I began immersing into the market in August
18 virtually, and then I first arrived on September 1st.

19 Q And when you arrived into the market in your role as
20 regional director of operations, what did you observe about the
21 market?

22 A It was the worst store condition I had ever seen ever in
23 my entire tenure with Starbucks.

24 Q Can you give us examples of why it was the worst store
25 conditions you had -- had ever seen?

1 A The cleanliness issues were unlike anything I'd ever seen.
2 There were fruit flies, bees everywhere. Staffing issues were
3 horrendous. I mean, stores were so understaffed that, I mean,
4 it -- it was terrible. We saw a lack of training in every
5 single store at all levels, not just barista but store manager.
6 Everyone was overwhelmed, and the customer experience was --
7 was absolutely terrible.

8 Q When you were asked to take on the regional director of
9 operations role in the Buffalo market in July of 2021, were you
10 aware of any union activity?

11 A I was not, no.

12 Q When did you first become aware of any union activity?

13 A With the "Dear Kevin" lever -- letter.

14 Q And if I told you that that was publicized through social
15 media on August 23rd, 2021, does that sound about right?

16 A It does.

17 Q That's when you would have gotten notice?

18 A Yeah.

19 Q And at that point in time, you had already accepted the
20 role of regional director of operations in the Buffalo market?

21 A Yes, and it had been communicated as well.

22 Q When you first arrived in Buffalo in -- in the conditions
23 that you just described, how many stores did you go to?

24 A We went to, I believe, three stores on our first day.

25 Q When you say "we", who are you referring to?



1 A Rossann Williams; Shelby Young, the district manager; and
2 myself.

3 Q Were there other district managers in the area at the
4 time?

5 A Yes. David LeFrois.

6 Q Anyone else?

7 A It was just the two of them.

8 Q How long did David stay on as district manager after you
9 arrived in the market?

10 A It -- within a week, he was separated.

11 Q Was that a decision that you made?

12 A It was, yes.

13 Q And why?

14 A It was -- it was abundantly clear that he was absentee at
15 best from his stores. His partners did not know him. He was
16 not managing the performance of his leaders. He was
17 inaccessible. His store -- the store condition in his district
18 was even worse than the other districts, and -- and he just
19 really just was absent completely from the job.

20 Q And was that unusual for a district manager to not know
21 any of the store managers or partners in their stores?

22 A Yes. He knew the store managers, but he didn't know any
23 of the partners. And frankly, they were afraid of him.

24 Q Do you remember the first store you visited in the rec --
25 in the Buffalo market?

1 A Yes, it was Walden and Anderson.

2 Q And what did you observe about that store?

3 A It -- the understaffing -- I mean, it -- it -- they
4 probably needed at least double the staff of what they
5 currently had. So it was a high-volume location. The drive-
6 thru line was very long. Wait times were very long. The store
7 was so dirty. There were fruit flies sticking to the walls in
8 the cafe. There were bees everywhere. Everyone was
9 overwhelmed. Beverages were being hand off -- handed off not
10 to standard. You weren't even looking at customers for the
11 most part. I mean, it was -- it was really, really bad.

12 Q Were you aware that those conditions existed prior to
13 August 23rd, 2021?

14 A I was not aware in that particular store, but what I will
15 say is linking back to my time in Saratoga Springs and, you
16 know, mind you, Saratoga Springs was a -- it was a known visit,
17 so it was prepared for. And at that time, those stores were
18 some of the worst I had seen.

19 And so at the time that Allyson asked me to watch Area
20 156, I -- I asked her, was what we saw in Saratoga Springs
21 representative of the market, and she said yes. And so I -- I
22 knew that there were going to be leadership issues. I had
23 assumed, based on what I had known from a distance -- I
24 couldn't say definitively I knew a store or Buffalo was going
25 to be worse. I -- I will tell you that when I came in, I was

1 actually surprised at how bad it was because it was so much
2 worse than I imagined.

3 Q When you went to the Walden and Anderson store that first
4 day, did you speak with the store manager?

5 A Yes.

6 Q And who was the store manager?

7 A Jonathan Prime.

8 Q How long did he stay store manager after you met him?

9 A He resigned within the week.

10 Q Did you have any involvement in the decision for him to
11 resign?

12 A He made the decision, but he, you know, based on his
13 current trend of performance, would not have been successful,
14 so.

15 Q Were there any issues at the Walden and Anderson store
16 that caused you to make a decision to close the store for any
17 activity?

18 A All of the aforementioned issues that I described, I mean,
19 I -- I -- I truly -- I don't know that I've ever seen a store
20 look this bad in my entire career. And we were highly
21 concerned going in there. And then coupled with talking with
22 Jonathan, it was clear that he was ill-equipped to handle this.
23 He was overwhelmed. He didn't know where to start. He didn't
24 have the necessary leadership skills and was defensive at times
25 about why the -- the role that he played in leading the store.

1 And so with that, I mean, I was concerned about the store being
2 open and safe for customers to serve food out of.

3 Q And so was there a decision made to close the store at
4 some point in time?

5 A Yes, it was pretty quickly. Shelby, the DM, had called me
6 and wanted to close the store, and I supported her
7 wholeheartedly in that decision.

8 And -- and so initially we were going to close it for a
9 short period of time because the goal was, is that, hey, let's
10 just take a -- take a minute. Let's retrain everybody that's
11 here. Let's get staffed. Let's adjust hours appropriately.
12 Let's get the store deep-cleaned, both from the partners and
13 also have an external vendor come in. I mean, we really just
14 needed to take a moment to get the store safe, make sure that
15 the partners felt equipped to do their job, and we got
16 operations tighter. So that was the original intent of the
17 closure.

18 Q And in your past 20 years of experience at Starbucks
19 before going into the Walden and Anderson store and making the
20 decision to close it temporarily, had you ever had any similar
21 experience?

22 A Of closing stores? Yeah, I mean, I had closed a store in
23 Boston for cleanliness issues. It was a very short-term
24 closure though, because again, it didn't -- it -- it was -- it
25 was specifically cleanliness related. So at the time that we

1 made that decision in Boston, we did it; we got the store deep-
2 cleaned and reopened.

3 Training wasn't the issue. None of those other things
4 were taking place. It was really specific to being a
5 cleanliness issue. So I had done it before, but not to the
6 level that -- that we did at Walden and Anderson is -- because
7 I had never seen anything like what we saw at Walden and
8 Anderson.

9 Q What other stores did you go to on that first day?

10 A We went to Walden Galleria.

11 Q And what did you observe about that store?

12 A I mean, it -- it was a mall kiosk. I mean, it was -- it
13 was in pretty bad disrepair. It needed a remodel. Staffing
14 issues were a challenge. The store manager, Chris Winnett, was
15 extremely overwhelmed. Customer service was lacking. You
16 know, I -- I -- it was just the -- the kiosk was in pretty bad
17 disrepair and was not set up operationally to -- to run well.

18 Q When you say "disrepair", can you give us examples of what
19 that looks like for you?

20 A Sure. I mean, what -- what I should share is that the --
21 how old the kiosk was in particular, and this goes back to the
22 earlier conversation about malls and kiosks in general, it was
23 so old that in order to fix things with all of the efficiencies
24 that we come up -- we've come up with over the years, such as
25 station layouts, making sure that the espresso bar, the warming

1 station was the most efficient that it possibly could be, we
2 would actually need to sort of tear it down and rebuild it.

3 And so at that time, it looked like no one had added any
4 of the efficiencies that we had been incrementally adding as an
5 organization over a period of time because you would just need
6 to replace the whole thing.

7 Q And how is that different than when you used the word it
8 required a remodel? Or is it not different?

9 A We would -- you know, it would be listed in the system as
10 a remodel. But with kiosks, it's a little bit different 'cause
11 it's almost like replacing the whole unit. And so we
12 communicated to the customers that we're undergoing a remodel.
13 But for a kiosk of that age, it would be a full replacement.

14 Q Do you recall what other store you visited on your first
15 day?

16 A Yes, we went to Del-Chipp (phonetic throughout).

17 Q And did you observe anything about that store?

18 A That store was -- was -- it was -- it was very staffed,
19 which was unusual for the market at the time. What we noticed
20 was that it was almost too staffed, and so that flagged us.
21 And then the other thing that I would say about this particular
22 store, it seemed that there was an inappropriately close
23 relationship with the manager and the partners there. So
24 different opportunities. We still have concerns, but it was --
25 it was certainly more staffed at initial glance than other

1 stores. We came to realize that there were some other factors
2 we weren't noticing right away in regards to availability and
3 some other pieces. But on that day it looked different than
4 the two that we had gone to previously.

5 JUDGE ROSAS: What's the name of the store?

6 THE WITNESS: Delaware and Chippewa.

7 Q BY MS. POLITO: Is that sometimes referred to as Del-
8 Chipp?

9 A Yes.

10 Q Who was the store manager at that store?

11 A Robert Hunt.

12 Q How long did he stay on as store manager?

13 A He was still there when I left the market.

14 Q When did you leave the market?

15 A In February of this year.

16 Q After your -- your first day in the Buffalo area as
17 regional director of operations, did you make any changes to
18 the structure or management of Region 156?

19 A Yeah. Yes, there were a variety of things that took
20 place. So initially when I came to the market, I was going to
21 have both my old area, Area 72, and Area 156. So immediately I
22 realized I could not have that be the case. So we assigned a
23 regional director to take Area 72, so then I was solely
24 dedicated to Area 156.

25 Within that, also very quickly -- I believe it was within

1 the first week, we noticed how much work was needed in Buffalo
2 alone, and we decided to split the market up into three
3 markets. So myself and two other regional directors split up
4 the area so that each market could get the support that they
5 needed.

6 Q How many markets were in place before you made that
7 decision?

8 A Well, so there were two things that happened. So it was
9 the piece that I just shared around the RDs. And then the
10 second layer to that is what we did our redistricting within --
11 within Buffalo specifically. And so we went -- over the first
12 couple of months, we went from a two-district-manager model in
13 Buffalo that included Rochester to peeling off Rochester and
14 making it three distinct districts within Buffalo.

15 Q Do you know if that new model that you recommended and
16 changed in the fall of 2021 still exists today in the Buffalo
17 market?

18 A Yes.

19 Q And the three district managers, who do they report up to?

20 A Mallori Coulombe.

21 Q And she's the regional director of operations here in
22 Buffalo?

23 A That's correct.

24 Q What market did Rochester go into?

25 A It went -- Rochester was also put into its own districts.



1 And so they currently roll up into Area 156.

2 Q Do you know who the district manager is currently for that
3 district?

4 A I don't.

5 Q What was your intention by splitting the market into three
6 districts?

7 A The goal is to allow the district managers to come in and
8 do the necessary work to get the stores to standard as quickly
9 as possible. And it's something that's done fairly commonly.
10 And so I'd done it in Boston, where we reduced by store span by
11 a district manager. We've done it in urban markets across the
12 country. We've done it in complex situations. And I would
13 describe Buffalo as complex given how much work was needed when
14 we arrived.

15 Q When you say, Buffalo was complex given the work, were
16 there any other reasons why Buffalo was complex?

17 A I mean, it was -- it -- it was the store condition. I
18 mean, they --

19 Q Store conditions?

20 A Yeah. And -- and for the -- the training piece also was
21 pretty significant. And so there was a whole stream of work
22 that we did around making sure that partners at all levels were
23 trained appropriately. And that simply takes time for the
24 district manager. And that becomes difficult when a district
25 manager is running 12 or more stores. So we wanted to reduce

1 their store count so they could give the necessary attention to
2 what was taking place in each store.

3 Q Did you decide how many stores each district manager would
4 have?

5 A I don't -- I don't recall the exact amount, but it was in
6 the range of eight plus or minus --

7 Q And did you have any involvement in determining who the
8 district managers of the three new districts would become?

9 A Yes.

10 Q And who were they?

11 A MK Kristina. I -- I cannot pronounce her last name. And
12 Greta Case and Michaela Murphy.

13 Q And MK is sitting at counsel table?

14 A Yes.

15 Q And were all three of those individuals, did they all have
16 district manager experience before coming to Buffalo?

17 A They did, yes.

18 Q Other than David LeFrois and Jonathan Prime, were there
19 other store managers that left shortly after your arrival?

20 A Yes. David Fiscus left pretty quickly.

21 Q And what store did he manage?

22 A He had the Camp Road store.

23 Q Did you make any decision with respect to store support
24 managers being requested to come into the market to provide
25 support for store managers?

1 A Yes.

2 Q Why did you make that decision?

3 A It's going back to what I shared earlier about the
4 training issues and store operations. And the other piece that
5 I would share here is that the store managers overwhelmingly
6 told us that they were unable to have any work-life balance.
7 And for all of the reasons that I had mentioned around
8 operational and staffing issues, the partners regularly
9 contacted the store managers on their days off, and the store
10 managers simply didn't have the time to dig out of the hole
11 that they were in. And so as part of that, we provided them
12 some additional support, which included -- included refocusing
13 on training and level-setting.

14 Q Was the intention to place store support managers in every
15 store in the Buffalo market?

16 A Yes.

17 Q Do you know if that happened?

18 A Yes.

19 Q Do you know how long that assignments were for the store
20 support managers?

21 A Yes, they were for 89 days initially.

22 Q Have you ever had occasion prior to being regional
23 director of operations in Buffalo to assign store support
24 managers to support stores in other markets?

25 A Yes. In Boston, I brought out one store manager -- at the



1 time, it was specific for training and onboarding new store
2 managers. And again, it was -- it was, you know, only one
3 because we didn't have many of the factors that were taking
4 place in Buffalo. And my specific need that I was solving for
5 at that time was somebody who was competent and qualified to
6 train new store managers. And so I had to go to the region and
7 ask my peers for help. And we ended up bringing in a store
8 manager from Pennsylvania.

9 Q Are you aware of whether Starbucks has utilized store
10 support managers on other occasions?

11 A Yes, we -- we've brought in managers from outside of
12 markets before.

13 Q Is that a specific job title, store support manager?

14 A Sometimes it's called that. Sometimes it's ops coach.

15 JUDGE ROSAS: How do you spell that?

16 THE WITNESS: Ops, O-P-S, coach, operations coach.

17 Q What -- what was your understanding as to the role of the
18 store support manager when they arrived in the Buffalo market?

19 A There were a couple of things. So in addition to helping
20 improve operations, you know, it was also so that the store
21 managers could have some time off and that somebody could be
22 continuing to advance things forward in their absence. And so
23 a lot of times they weren't working the same shifts as the home
24 store managers. And the expectation was when they were working
25 the same shifts as the -- or had crossover with the home store

1 manager, that their role would be helping to build capability
2 of the home store manager in tandem with what we were doing
3 across the market.

4 Q Did you have any experience with respect to call-offs in
5 the Buffalo market when you first arrived?

6 A Yes.

7 Q And what was -- what is a call-off?

8 A It's when somebody calls in sick or says that, I'm not
9 coming into work.

10 Q And doesn't -- is unable to provide coverage by another
11 partner?

12 A That's correct.

13 Q And were there a number of call-offs in the Buffalo market
14 when you arrived in September of 2021?

15 A So -- so many call-offs. A lot of call-offs.

16 Q Did you -- did you ever experience that volume of call-
17 offs in any of the other markets that you had worked in?

18 A No, never.

19 Q Where the store support managers told to wear headsets to
20 listen to partners discussing union activities?

21 A No.

22 Q Was there any discussion with store support managers about
23 wearing headsets when they were working in the stores?

24 A I didn't personally have that discussion, but what I would
25 say is that if a store manager needs to wear a headset as part

1 of the job duties to deliver the experience for customers, then
2 that should be taking place.

3 Q When would a store manager typically wear a headset?

4 A It could be potentially when they're in drive-thru. It
5 could also be in an instance where they're trying to balance
6 channels. And so if you were to look at a drive-thru store,
7 for example, it's like having an -- an entire other store
8 that's happening outside. And a store manager, you know, might
9 have a headset on even when they're not deployed in drive-thru
10 so that they can know what's happening in the other half of
11 their store.

12 Q With respect to the call-offs, how does that impact the
13 store's ability to operate?

14 A Significantly. And so in some of our stores, you know,
15 you might have a smaller play, meaning how many partners are
16 working at a given time. Even removing one from that play
17 is -- is pretty significant. And what that does is it creates
18 additional burden on other people to have to do additional
19 work.

20 Q Were the store support managers able to help with the
21 call-offs?

22 A Yes, they helped quite a bit.

23 Q And how? What things did they do?

24 A Well, they were another actual partner to work the floor
25 when we had call-offs.

1 Q So was it the expectation that the store support manager
2 would fill the role of barista as needed?

3 A Yes, often.

4 Q What other roles would they be required to fill at the
5 store as needed?

6 A I mean, potentially shift supervisor. I mean, they --
7 they were coverage most of the time. And that was an
8 expectation we set with them as well was that they were there
9 to work in the play as often as possible.

10 Q When you say "work in the play", can you tell us what you
11 mean by that?

12 A Yes. It just means that how many people that we have
13 working at any given time. And so that would be called the
14 play. So if you have eight partners, for example, working at a
15 given time, you'd be on an eight-partner play. So if we say
16 that somebody should be working in the play, that means they're
17 working for coverage to support in-the-moment operations,
18 customer service as necessary.

19 Q Did some of those store support managers stay beyond 89
20 days?

21 A Yes.

22 Q Do you know why?

23 A It varied by store situation at the time. And so we
24 extended some if the need was there for a variety of reasons.
25 It could be if we were at the necessary staffing levels that we

1 needed to, if we were at the level of operational excellence
2 that we needed to be at, or if the home store manager just
3 needed additional support. And we had a couple of instances
4 where they were actually the store manager.

5 Q Where they applied for and became the store manager?

6 A Well, they -- well, we also had that as well if it was
7 permanent, and if it was for a temporary period of time, they
8 might cover while somebody was in training or resource the
9 permanent manager for the store.

10 Q Do you know -- with respect to staffing, do you know how
11 partners were hired in the Buffalo market?

12 A Yes. So prior to my arrival, each store manager did their
13 own training. And that was common pre-pandemic just in
14 general, and I would even say after the pandemic began.
15 Largely, organizationally, we added these roles of retail
16 hourly staffing specialists, and we had some in every region
17 across the country. So we did have that in the northeast, and
18 we did have some support prior to my arrival in Area 156 when
19 I --

20 Q I'm sorry. I -- when you say, "retail hourly staffing
21 specialists", are those also referred to as recruiters?

22 A Yes, hourly recruiters.

23 Q And were there hourly recruiters working for Starbucks
24 prior to August of 2021?

25 A Yes.

1 Q What other markets were hourly recruiters used in?

2 A We had some in every region across the country.

3 Q And when you arrived in Buffalo in September of 2021, were
4 those recruiters being utilized in the Buffalo market?

5 A They were, but I dedicated them to the market pretty
6 quickly and added additional support.

7 Q And was that your decision?

8 A Yes.

9 Q And why did you make that decision?

10 A Because we needed hundreds of partners across a small
11 area.

12 Q Did the fact that you were aware that there was union
13 organizing have any impact on that decision?

14 A Absolutely not.

15 Q Could you attribute the pandemic and staffing issues --
16 staffing issues nationwide to some of the staffing issues in
17 the Buffalo market?

18 A Very much so.

19 Q Do you recall the number of about how many partners you
20 were understaffed by in the Buffalo market in and around
21 September of 2021?

22 A It was close to 300.

23 Q At some point in time, did you decide to use a centralized
24 training facility in the Buffalo market?

25 A We did, yes.



1 Q And who made that decision?

2 A Me.

3 Q And why did you make that decision?

4 A So one of the issues that we saw with training and
5 staffing was because the stores were so severely understaffed
6 that it was not a -- it wasn't a great training environment for
7 them to learn, retain, or actually have dedicated training
8 time. And so I made the decision in partnership with Shelby at
9 the time to keep Walden and Anderson closed for longer so that
10 we can train in a -- an actual store so that partners could get
11 dedicated training time.

12 Q Why did you pick Walden and Anderson?

13 A Because it was already closed. And so at that time,
14 instead of confusing customers with additional closures, we
15 just kept the same traffic pattern that the customers had been
16 building over weeks and just kept that store closed.

17 Q How long had Walden and Anderson been closed before you
18 decided to turn it into a training store?

19 A I don't recall the exact amount of time.

20 Q Was that a model that Starbucks had used in other
21 districts?

22 A Yes, stores have been closed for training across the
23 country. While it's not exceedingly common, it has certainly
24 happened enough that I was aware that it was something that was
25 done.

1 Q Did you determine at some point to create additional
2 training stores for the Buffalo market?

3 A Yes. So initially when we decided to train out of Walden
4 and Anderson, we knew that there were some potential challenges
5 with this because of the distance and proximity to certain
6 parts of the market. And so the -- the second phase of our
7 training approach was to have store training happening in a few
8 stores across the market so that people could get to a closer
9 training store that made sense for their life or their
10 permanent store placement.

11 Q Do you have any idea how big the market was?

12 A We ha -- you mean distance-wise?

13 Q Distance-wise, yes.

14 A I couldn't -- no, I don't know. I -- what I do know is
15 that certain stores from one end to the other, like, for
16 example, Orchard Park to Walden-Anderson, that was quite a long
17 distance. And so for partners, that was difficult to make it
18 to.

19 Q And when you -- do you remember the name of the other
20 stores that you decided to use as training stores in the
21 Buffalo market?

22 A I believe I remember, but I -- I'm not solid on -- so
23 there were three stores, and I -- and I do think I know what
24 those stores are, but I'm not entirely certain.

25 Q For the other stores, in addition to Walden and Anderson,

1 were those stores closed for training?

2 A No, so what we did -- ultimately the goal was to reopen
3 Walden and Anderson. And so we did that in phases as staffing
4 allowed us to. And so we did ultimately reopen that. And what
5 we did was we closed the stores early so that we could
6 facilitate training after hours.

7 Q Did that improve the training issues in the Buffalo
8 market?

9 A Things continue to get better. But then as time went on,
10 you know, we had just other problems to solve with it. So
11 training in a closed-store environment, we -- we knew -- I knew
12 it was risky because -- because it didn't give them real-time
13 application to interact with customers. And we knew that that
14 was something we'd have to solve for.

15 So initially our plan to offset that was to have the home
16 store welcome folks in. The store manager then would be
17 responsible for making sure they were acclimated to this new
18 store environment. And that continued as we trained in closed-
19 store environments. And so then the goal ultimately was over
20 time to turn on training to each store.

21 I'm not sure how many stores are currently training now,
22 but what I will say is, is that we had to balance this decision
23 with what stores were operationally ready, because what we
24 learned when we got here is that we just had to train partners
25 in the right environment where standards were in place, and

1 failure to do so would be completely disrupting the
2 effectiveness of that partner post-training.

3 Q Going back to the Walden Galleria kiosk, was there a point
4 in time when you decided to close the kiosk?

5 A Yes.

6 Q And when was that?

7 A Pretty quickly. I asked for approval to close the store.

8 Q And why did you ask for approval to close the store?

9 A Well, we've talked about the viability of malls. And if
10 you look at this particular store, it would have cost more to
11 rebuild the store, if you will, during a remodel than the store
12 made in an entire year in -- in profit. And so at the end of
13 the day, just invest that much energy into a store that was not
14 the way we were thinking about what stores should be long-term,
15 did not make financial sense. And so we had to make that
16 decision because it was the right business decision.

17 Q And when you made the decision to close the kiosk, were
18 the partners that were working at the kiosk given notice of the
19 closure?

20 A Yes.

21 Q Do you know how much notice they were given?

22 A I don't recall.

23 Q Do you know how many baristas were working at the store?

24 A I don't recall.

25 Q Do you know if those baristas were given the opportunity

1 to transfer to other stores?

2 A They -- they were, yes.

3 Q And is that a policy of Starbucks to allow transfers to
4 other stores if a store is closing?

5 A Yes.

6 Q Do you know the date that the kiosk store was closed?

7 A I don't.

8 Q Other than the store in Boston that you closed, the mall
9 store in Boston, are you aware of other kiosks or mall stores
10 being closed across the country by Starbucks?

11 A We have been closing many stores and malls across the
12 country.

13 Q Do you know how many?

14 A I don't have the exact number, but it is more common than
15 not that we are identifying if we should be in a mall or not.
16 So we're closing them often.

17 Q And is that -- that part of your job responsibility as
18 regional director of operations when you came into the Buffalo
19 market to determine what stores should close or stay open?

20 A That's part of my job as regional director always.

21 Q Do you know if the Walden Galleria kiosk store is licensed
22 by the mall?

23 A I believe it is now, yes.

24 Q Are you aware of any specific instance where the Genesee
25 Street store's phone lines were disconnected?

1 A Yes.

2 Q And how are you aware of that?

3 A Because I made that decision.

4 Q And why did you make that decision?

5 A Workers United had been using social media quite a bit at
6 the time, and it was causing a -- it was causing an impact to
7 the stores. And so we had been receiving so many calls from
8 customers, at the encouragement from Workers United, that it
9 became impossible to actually work in the store and serve
10 customers.

11 Q And how long were the -- was a direct line discontinued --
12 disconnected?

13 A I believe it was approximately 72 hours where it was over
14 the course of a week. But in times where we've had to shut off
15 phone lines or reroute them to our customer service center,
16 they're for limited periods of time.

17 Q Have you ever had to do that before?

18 A Yes, I've had to do that in Boston.

19 Q Can you tell us why in Boston you had to reroute the --
20 MS. POLITO: Or strike that.

21 Q BY MS. POLITO: Can you tell us why in Boston you had to
22 disconnect -- disconnect the phone line and reroute it to
23 customer service?

24 A Yeah. So we had a -- we had a scenario in which a false
25 story had been made into a meme on social media stating that an

1 interaction happened that never happened with the police, and
2 it went viral, and it called out two specific stores.

3 And at the time we were getting pretty hateful calls from
4 the customers threatening the partners for several days, and it
5 was emotionally taxing in addition to making it difficult to
6 work. So I disconnected the lines there as well and did that
7 for a period of time and -- and allowed our customer service
8 representatives to field all of those calls.

9 Q So when you say that the line was disconnected, is it just
10 that it was rerouted to customer service?

11 A That's correct. Yes.

12 Q So if you still called the store, you would still get
13 someone to be able to answer the phone?

14 A It would just be the Seattle support center, yes.

15 Q Can you tell us what it means when Starbucks does a reset
16 at a store?

17 A Can you rephrase the question?

18 Q A remodel or a reset?

19 A Oh, yes. So if a store gets a remodel -- we do remodels
20 in, you know, all stores at some point based on the needs of
21 the particular location. And it's just any varying degree of
22 redoing a station to something much larger that would
23 completely wipe out the engine and have it replaced with our
24 newest thinking around where things should be located. Or it
25 could be something more static, such as just the cafe getting

1 refreshed or completely overhauled.

2 Q As the regional director of operations overseeing the
3 Buffalo market, would you have responsibility for determining
4 when a store needed to be remodeled?

5 A Yes.

6 Q And did -- in your experience when you were here in the
7 fall of 2021, were there stores that were in need of
8 remodeling?

9 A Most of the stores, yes.

10 Q Prior to coming to Buffalo in the fall of 2021, were you
11 aware of whether or not Starbucks officials had ever visited
12 stores to observe operations in other markets?

13 A Yes, it's quite common.

14 Q Can you give us some examples of when that might have
15 happened?

16 A I -- I can give you some examples from Boston. And so
17 there was one time I had a store on Boylston Street in -- in
18 Boston, and it was actually not long after I arrived in the
19 market. They had just gotten a remodel. And the remodel, from
20 an aesthetics perspective, had not represented the community.
21 So it was, like, very modern, almost kind of Miami vibes. But
22 we were in New England.

23 So I went there with Denise, and we pretty quickly
24 realized this was just not the right environment for customers.
25 And despite having put all that money into it just recently, we

1 met together and very quickly redid the cafe to make it
2 represent the community more.

3 There were other times we had our senior vice president of
4 store development and some members of his team visited. I had
5 him go to stores that we were struggling with operationally,
6 and there was a store in Swampscott, Massachusetts, where we --
7 I took him there, and we -- we went from a project that was
8 going to be rather small in scope to basically redoing the
9 engine, which was quite a costly endeavor.

10 And so we -- we pri -- we pulled that -- that store up in
11 terms of priority for a variety of reasons. But then we
12 remodeled it to a much more significant degree than we had
13 planned. I have -- I have other examples, but there are many.

14 Q And is that based on taking a look at the store and the
15 operations of the store?

16 A Yes.

17 Q Does Starbucks have occasion to come up with a model plan
18 for a store that has a cafe and a drive-thru in terms of what
19 the bar should look like or where the machine should go? Does
20 that happen on occasion?

21 MS. STANLEY: Objection. Leading.

22 JUDGE ROSAS: I'll allow it. You can answer.

23 A Yes. So we have our Seattle -- we have a team of
24 engineers in Seattle that have standards for ideal, based on
25 footprint size of an engine, what the ideal espresso bar, cold

1 beverage station, you know, every single station behind the
2 counter should look like in its most ideal state. And with
3 that, we then, you know -- our goal is to be as close to that
4 as we can. And what we've done over time is we've improved
5 efficiencies based on our product mix, either growing or
6 reducing. And so that makes inherent changes to the way that
7 we build our stores.

8 MS. POLITO: I have nothing further, Judge.

9 MS. STANLEY: Could I just have five minutes, Your Honor?

10 JUDGE ROSAS: Off the record.

11 (Off the record at 10:29 a.m.)

12 JUDGE ROSAS: Back on. Oh, we're waiting on him?

13 UNIDENTIFIED SPEAKER: Yeah.

14 JUDGE ROSAS: General Counsel?

15 **CROSS-EXAMINATION**

16 Q BY MS. STANLEY: Hi, Ms. Pusatier?

17 A Yes. Yes.

18 Q You talked about Area 156. Is Area 156 the same thing as
19 Region 156?

20 A Yes.

21 Q Okay. When you were doing your RD immersion, you said, I
22 think, that you were kind of across the northeast. How much
23 time did you spend in Buffalo specifically?

24 A Not very long at that time. I -- as I recall, it was only
25 a day or two.

1 Q You talked about David LeFrois, the district manager prior
2 to, I guess, September of 2021. The other district manager at
3 the time was Shelby Young; is that right?

4 A That's correct.

5 Q And is Shelby still with Starbucks?

6 A She is not.

7 Q Do you know when she left the company?

8 A I don't know the exact date, but it was recently.

9 Q You had said earlier that when you came to Buffalo in
10 September of 2021, in your estimation, it was understaffed by
11 about 300 partners. Remember that?

12 A Yes. Close to, yes.

13 Q How did you come to that determination?

14 A We looked at sales by store plus availabilities and worked
15 with the store managers to understand. We also have tools that
16 help us understand staffing levels by store. So it was a
17 combination of all of these items. Plus how many partners were
18 at risk based on the levels of corrective action they had or
19 what they shared with us in terms of how long they'd be here.
20 And then the last piece would be projected turnover over a
21 period of time.

22 Q And who was making that determination? You said "we" and
23 "us". Aside from yourself, who else was involved in that?

24 A The district managers.

25 Q When you decided to close the kiosk, you said you asked

- 1 for approval to close it?
- 2 A Yes.
- 3 Q Who did you ask for approval?
- 4 A I went to my store development team and my leader.
- 5 Q Who is your leader?
- 6 A Allyson Peck.
- 7 Q And then you said that the store has now been licensed by
- 8 the mall?
- 9 A Yes.
- 10 Q What does that mean?
- 11 A So when we license stores, they are owned and operated by
- 12 a different owner. So in this case, it would be the mall. And
- 13 that entire conversion happened after I left. So I know in
- 14 theory what the plan is and where we landed, but I don't know
- 15 the specifics of it.
- 16 Q So is it -- is it fair to say that the mall is now going
- 17 to operate the --
- 18 A That's --
- 19 Q -- Starbucks kiosk --
- 20 A That is correct.
- 21 Q -- in the Walden Galleria?
- 22 A Yes.
- 23 Q Do you know whether the renovations that you thought were
- 24 necessary in the fall of 2021 were performed at the kiosk?
- 25 A That -- no, because we ended up closing the store.

1 Q Since the store was closed, do you know if any renovations
2 have been performed on the kiosk?

3 A I don't know, and I don't believe so.

4 Q So if it -- it's possible the kiosk is op -- is going to
5 be licensed in the same condition that it was when it was shut
6 down?

7 A I couldn't speculate because it would be the licensee's
8 decision how they want to operate.

9 Q During your time in the Buffalo market, approximately how
10 often did you visit stores in the market?

11 A I mean, often several times a week. I don't know the
12 exact amount, but as often as possible.

13 Q Did you visit any stores more than once?

14 A Yes.

15 Q Every store more than once?

16 A Yes.

17 MS. STANLEY: I have nothing further.

18 **CROSS-EXAMINATION**

19 Q BY MR. DOLCE: Hi, Ms. Pusatier. Mike Dolce for the
20 Union. Just a couple questions. You testified that there were
21 70 to 100 stores in Area 72 of the Boston area, right? How
22 many were there in Area 156 during August 2021?

23 A There were over 100 in the whole area. I don't recall the
24 exact count.

25 Q Then you mentioned a meeting that occurred in Saratoga



1 Springs. That was in August 2021?

2 A That was in July.

3 MS. POLITO: Objection.

4 JUDGE ROSAS: What's the basis?

5 MS. POLITO: Mischaracterizing the witness' testimony, but
6 she answered --

7 JUDGE ROSAS: Yeah, she can answer that.

8 A It was in July.

9 Q BY MR. DOLCE: And what cities are covered in Area 156?

10 A Saratoga Springs, Ithaca, Rochester, Buffalo -- I don't
11 know all the cities.

12 Q Is Albany in it?

13 A Yes.

14 Q Is Syracuse in it?

15 A Yes.

16 Q Any cities that are not in New York?

17 A Yes.

18 Q What cities?

19 A There's also the New York metro market that's in a
20 different region. So -- oh, I'm sorry. Yes, I -- there were
21 some initially in Pennsylvania.

22 Q That were a part of 156?

23 A Correct.

24 Q If you know the other -- you mentioned Walden and Anderson
25 was a centralized training facility. Off the top of your head,

1 or to the best of your knowledge, what were the others? You
2 mentioned that there were others, but you didn't mention their
3 names.

4 MS. POLITO: Objection. Asked and answered. She said she
5 didn't recall.

6 JUDGE ROSAS: Oh, no coaching. Overruled. You can
7 answer.

8 A I believe it was the University of Buffalo (sic) and Liz
9 Poole's store, which I'm trying to remember the name of it
10 right now. I can't recall the name of the store.

11 Q Was it Niagara Falls Boulevard?

12 A Yes, that is correct. NFB, we called it.

13 Q And those are both in the north towns?

14 A I -- I'm not sure what part of town.

15 MR. DOLCE: I have nothing further.

16 JUDGE ROSAS: Any redirect?

17 MS. POLITO: No, Judge.

18 JUDGE ROSAS: Your testimony is concluded. Please do not
19 discuss your testimony with anyone until you are advised by
20 counsel that the record in the case is closed. All right?

21 THE WITNESS: Thank you.

22 JUDGE ROSAS: Have a good day. Off the record.

23 (Off the record at 10:43 a.m.)

24 JUDGE ROSAS: Okay. Next witness.

25 MR. BALSAM: Judge, Respondent calls Sonia Velazquez.

1 JUDGE ROSAS: Raise your right hand.

2 Whereupon,

3 **SONIA VELAZQUEZ**

4 having been duly sworn, was called as a witness herein and was
5 examined and testified as follows:

6 JUDGE ROSAS: Okay. State and spell your name and provide
7 us with an address.

8 THE WITNESS: Sonia Velazquez, S-O-N-I-A
9 V-E-L-A-Z-Q-U-E-Z. 3235 Southwestern Boulevard, Orchard Park,
10 New York 14217.

11 **DIRECT EXAMINATION**

12 Q BY MR. BALSAM: Good morning.

13 A Morning.

14 Q Where are you currently employed?

15 A Starbucks.

16 Q How long have you been employed by Starbucks?

17 A Two and a half years.

18 Q What is your current job title?

19 A Store manager.

20 Q Have you always held the position of store manager?

21 A Yes.

22 Q At what location are you a store manager?

23 A Orchard Park.

24 Q Do you know someone by the name of Minwoo Park?

25 A Yes.



1 Q How do you know Minwoo Park?

2 A He was a partner at the Transit and French location.

3 Q Did Mr. Park have occasion to work at the Orchard Park
4 location?

5 A Yes.

6 Q How often did Mr. Park work at the Orchard Park location?

7 A He picked up a shift that I needed filled by a shift
8 supervisor.

9 Q How did it come that Mr. Park became -- came to the
10 Orchard Park location to pick up a shift?

11 A I had reached out to his store manager.

12 Q Who was his store manager at the time?

13 A Melissa Garcia.

14 Q Did there come a time where you became aware of an
15 incident involving Mr. Park at your location, Orchard Park?

16 A Yes.

17 Q What -- what did you become aware of?

18 A It was brought to my attention by two partners that he had
19 put his finger in a customer's drink and laughed about it.

20 Q Do you recall the name of the partners who brought this
21 information to your attention?

22 A Yes.

23 Q What were their names?

24 A Melissa Ruckinger (phonetic throughout) and Kyra Sanchez
25 (phonetic throughout).

1 Q On learning of this incident involving Mr. Park, what if
2 anything did you do with the information?

3 A I contacted his store manager.

4 Q And that was Melissa Garcia?

5 A Yes.

6 Q Why'd you contact Melissa Garcia to inform her of the
7 incident involving Mr. Park at your store?

8 A 'Cause that was her -- that was his store manager.

9 Q Is that typical practice for a store manager at a
10 different location to notify a home store manager of conduct?

11 A Yes.

12 Q Prior to August of -- you said you were a store manager
13 prior -- at Orchard Park prior to August of 2021?

14 A Yes.

15 Q Prior to August of 2021, did you ever discipline a partner
16 for a dress code violation?

17 A I coached my partners.

18 Q Now, what does coaching mean?

19 A Just talking to them and letting them know that they're
20 not in abidance by the policy of Starbucks.

21 Q And at your store in Orchard Park after you had coached
22 partners about dress code violations, did those partners engage
23 in further dress code violations?

24 A No.

25 Q Had a partner engaged in further dress code violations



1 after you had spoken to them, what is the next step in the
2 process?

3 A If they did, I would just proceed with the corrective
4 action, which would be like a documented coaching.

5 Q Prior to August of 2021, have you ever issued any type of
6 discipline to partners for being late to work?

7 A I would coach them first.

8 Q And in your -- in your store at the Orchard Park location
9 after you had coached the partner, have those partners
10 continued to be tardy to work?

11 A I'm sorry. Say that again.

12 Q Have those partners that you provided coaching to
13 regarding lateness continued to be late to work?

14 A No.

15 Q And had a partner continued to be late to work, what would
16 have been your practice?

17 A Same thing. I will provide a documented corrective
18 action.

19 Q Are you aware of the Workers United -- who Workers United
20 is?

21 A Yes.

22 Q Who are they?

23 A A union organization.

24 Q Has -- has the Union tried to organize the Orchard Park
25 location, to your knowledge?

- 1 A No.
- 2 Q Has a petition ever been filed in connection with the
- 3 Orchard Park location?
- 4 A No.
- 5 Q Were listening sessions ever held at the Orchard Park
- 6 locations?
- 7 A Yes.
- 8 Q How many listening sessions were held?
- 9 A Two.
- 10 Q Do you recall when those listening sessions occurred?
- 11 A I don't.
- 12 Q Were they during normal operational hours?
- 13 A I believe so.
- 14 Q Was attendance of the partners at your location mandate --
- 15 mandated for those listening sessions?
- 16 A No.
- 17 Q Were the partners who attended the listening sessions paid
- 18 for their time?
- 19 A Yes.
- 20 Q In the two and a half years where you had been a shift --
- 21 I'm sorry -- where you had been a store manager at the Orchard
- 22 Park location, have shift supervisors been able to close down a
- 23 channel?
- 24 A No.
- 25 Q Had they ever closed down a store?

- 1 A No.
- 2 Q What is the reason for that?
- 3 A Only the manager and the district manager have the
- 4 capabilities of doing so.
- 5 Q Have you ever had a support manager at the Orchard Park
- 6 location?
- 7 A Yes.
- 8 Q When did you have a support manager at the Orchard Park
- 9 location?
- 10 A September 2021 -- October 2021. Sorry.
- 11 Q Do you know the name of the support manager who came to
- 12 the Orchard Park location?
- 13 A Yes.
- 14 Q Who is that?
- 15 A Amelia Ruiz.
- 16 Q What was her role while she was at Orchard Park?
- 17 A Just to support me in my role and become more confident in
- 18 my role as a store manager.
- 19 Q Has your location at Orchard Park ever undergone --
- 20 ender -- ever had any renovations to the location?
- 21 A Renovations? No.
- 22 Q Are you familiar with something called the Playbuilder
- 23 tool?
- 24 A I am.
- 25 Q What is the Playbuilder tool?

1 A It's a Starbucks tool that's on our iPad that we utilize
2 to help deploy our partners.

3 Q Who has the capability or responsibility for utilizing the
4 Playbuilder tool at your location?

5 A Anyone can use it, but shift supervisors are the ones that
6 use it.

7 Q Are shift supervisors able to deviate from what the
8 Playbuilder tool recommends as the appropriate play?

9 A Yes.

10 Q As a store manager, have you had occasion to wear a
11 headset?

12 A Yes.

13 Q Why -- when would you wear a headset?

14 A When I'm order-taking or if I'm on bar 1, which is for the
15 drive-thru, or on warming, and if I'm in -- in the opening
16 stages, I would be in the back doing the ordering or doing cold
17 brews. I'll just wear a headset just to inform my partners if
18 they need anything, they can just reach me over the headset.

19 Q Do you wear a headset to listen to your partner's
20 conversations?

21 A No.

22 Q Do you know someone by the name of James Skretta?

23 A Yes.

24 Q Who is James Skretta?

25 A He was a former partner at my store.



1 Q And you say he's a former partner at your store. What --
2 what are the circumstances surrounding his departure from your
3 store?

4 A He transferred to a different location.

5 Q Do you recall when Mr. Skretta transferred from Orchard
6 Park to a different location?

7 A It was last year. I don't recall as to when.

8 Q Do you know where he went?

9 A Sheridan and Bailey.

10 Q What was the process that you followed to aid Mr. Skretta
11 in his transfer from Orchard Park to Sheridan and Bailey?

12 A I -- I actually don't recall the process, but the normal
13 process is to fill out a transfer form.

14 Q Okay. At the time that Mr. Skretta had transferred to
15 Sheridan and Bailey, were you aware of whether or not he was a
16 union supporter?

17 A I was aware.

18 Q How was Mr. Skretta as an employee?

19 A Good.

20 Q Did you receive any complaints from other partners
21 regarding Mr. Skretta?

22 A Yes.

23 Q What were the complaints that you received?

24 MS. STANLEY: Objection. Relevance.

25 MR. BALSAM: This is one of the discriminatees.

1 MS. STANLEY: It's not.

2 MR. BALSAM: It's one of the --

3 MS. STANLEY: He was not discharged --

4 MR. BALSAM: It's one of the individuals named in the --
5 in the third amended complaint.

6 JUDGE ROSAS: So let's take a moment.

7 Can I ask you to step outside?

8 THE WITNESS: Um-hum.

9 JUDGE ROSAS: Okay.

10 MR. BALSAM: Judge, let me just -- sorry.

11 JUDGE ROSAS: Go ahead.

12 MR. BALSAM: Let me just modify. This is going to be to
13 just and proper.

14 JUDGE ROSAS: Just -- just and proper?

15 MR. BALSAM: Yeah, sorry about that.

16 JUDGE ROSAS: Okay.

17 MR. BALSAM: One question.

18 JUDGE ROSAS: Do you have any other questioning
19 relating --

20 MR. BALSAM: No.

21 JUDGE ROSAS: -- to the OP (phonetic throughout)?

22 MR. BALSAM: I do not.

23 JUDGE ROSAS: Okay.

24 MR. BALSAM: Sorry about that, Judge.

25 JUDGE ROSAS: Okay. No problem. Go ahead.

1 MR. BALSAM: Thanks, Judge.

2 JUDGE ROSAS: Overruled since it's -- it's just and
3 proper.

4 MR. BALSAM: Thanks, Judge.

5 JUDGE ROSAS: Okay.

6 Q BY MR. BALSAM: We were talking about James Skretta, and I
7 asked you whether or not you were aware of any complaints
8 involving Mr. Skretta that you received from partners?

9 A Yes.

10 Q What are those -- what were those complaints that you
11 received for Mr. Skretta?

12 A That he was forcing partners to join the union and
13 harassing them at their second job, calling it -- calling them
14 at their second job during off time from Starbucks.

15 Q What do you -- what if anything did you do with the
16 complaints you received for Mr. Skretta?

17 A I'm sorry?

18 Q What if anything did you do once you received complaints
19 from the partners about Mr. Skretta?

20 A I actually reported to Emily Flic (sic) when she was at my
21 store.

22 Q Did you ever confront Mr. Skretta about the complaints
23 that you received from other partners?

24 A No.

25 Q And notwithstanding the complaints that you received for

1 Mr. Skretta, you still assisted in his transfer to Sheridan and
2 Bailey, correct?

3 A Yes.

4 MR. BALSAM: I have nothing further, Judge.

5 **CROSS-EXAMINATION**

6 Q BY MS. STANLEY: Hi, Ms. Velazquez.

7 A Hi.

8 Q I just have a few questions for you. You testified that
9 before August of 2021 if a -- if a partner violated the dress
10 code, you would coach them?

11 A Yes.

12 Q Were those co -- were those coachings documented?

13 A No.

14 Q And what about the time in attendance coachings prior to
15 August 2021, were those documented?

16 A No, just the first time is a coaching.

17 Q And how many times would you coach someone before you
18 moved to document?

19 A Once.

20 Q Wasn't there an awning at Orchard Park that was repaired
21 in September of 2021?

22 MR. BALSAM: Objection. Outside the scope of --

23 JUDGE ROSAS: Repeat the question.

24 Q BY MS. STANLEY: Wasn't there an awning at Orchard Park
25 that was repaired --

1 JUDGE ROSAS: An awning?

2 MS. STANLEY: An awning, yup. Outdoor awning. Counsel
3 asked about repairs, so that's a repair that I want to ask
4 about.

5 JUDGE ROSAS: Overruled. You can answer.

6 A Yes.

7 Q BY MS. STANLEY: And how long had that awning been broken
8 before it was replaced?

9 A I don't recall.

10 Q Was it weeks?

11 A I honestly don't recall. I'm sorry.

12 Q That's okay. How did it come about that the awning was
13 replaced in September?

14 A Oh my God, I -- I honestly don't remember. I just
15 remember one of the customers, his truck hit it, and that's all
16 I remember. I'm sorry.

17 MS. STANLEY: That's okay. Thank you.

18 This is the -- this just my last question just goes to
19 just and proper, Your Honor.

20 Q BY MS. STANLEY: How many complaints did you receive about
21 James Skretta relating to union activity?

22 A Two from two partners.

23 Q And when did you receive those?

24 A A long -- I -- I don't recall.

25 Q Was it -- you said two from two partners. Was it two

1 complaints from each partner or two total, of one from each
2 partner?

3 A One from each partner.

4 Q What specifically did those partners tell you?

5 A That he was contacting them after hours at their secondary
6 job. And another partner who was a minor felt uncomfortable.
7 He had reached her via text message, I believe it was, almost
8 sounded like he was harassing her to join the union.

9 MS. STANLEY: I've nothing further.

10 **CROSS-EXAMINATION**

11 Q BY MR. DOLCE: Hello, Mike Dolce for the Union. Just one
12 question. Did you ever see partners wearing union pins or
13 union T-shirts in the Orchard Park store?

14 A No.

15 Q How did you know that James Skretta was a union supporter?

16 A Well, he was verbal about it.

17 MR. DOLCE: Nothing further.

18 JUDGE ROSAS: Any redirect?

19 MR. BALSAM: No, Your Honor.

20 JUDGE ROSAS: All right. Your testimony is concluded. Do
21 not discuss your testimony with anyone until you're told by the
22 attorneys that the record in the case is closed. All right?
23 Have a good day.

24 THE WITNESS: Thank you. You too.

25 JUDGE ROSAS: So Respondent, no further witnesses for



1 today?

2 MR. BALSAM: Judge, as you mentioned before, unfortunately
3 we do not. We -- we're doing our best -- we have been doing
4 our best to get people here for this week. But I -- again, as
5 I represented before, and as my partner Ms. Polito represented
6 prior to today, we will have a full slate of witnesses when we
7 return that Monday that I guess is the 12th. And we have
8 wit -- we have witness -- we have a witness, and we have --
9 potentially have more witnesses coming tomorrow.

10 JUDGE ROSAS: All right. If there's nothing else, we'll
11 adjourn to 9 a.m. tomorrow morning. Off the record.

12 **(Whereupon, the hearing in the above-entitled matter was closed**
13 **at 11:01 a.m.)**

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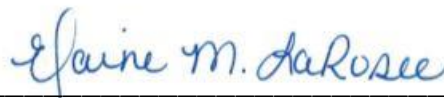
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C E R T I F I C A T I O N

This is to certify that the attached proceedings before the National Labor Relations Board (NLRB), Region 3, Case Numbers 03-CA-285671, et al., Starbucks Corporation and Workers United, held at the National Labor Relations Board, Region 3, 2 Niagara Square, Wyoming Courtroom, 5th Floor, Buffalo, New York 14202, on August 31, 2022, at 9:01 a.m. was held according to the record, and that this is the original, complete, and true and accurate transcript that has been compared to the reporting or recording, accomplished at the hearing, that the exhibit files have been checked for completeness and no exhibits received in evidence or in the rejected exhibit files are missing.



ELAINE LAROSEE

Official Reporter